



**Agenda**  
**Board of Supervisors Meeting**  
**Madison County Board of Supervisors**  
**Wednesday, December 1, 2021 at 7:00 PM**  
**Administration Building Auditorium**  
**414 North Main Street, Madison, Virginia 22727**

**Call to Order, Pledge of Allegiance & Moment of Silence**

**Determine Presence of a Quorum/Adoption of Agenda**

**Public Comment**

**Public Hearings**

- A. **Case No. OA-12-21-14:** Amending the Zoning Ordinance, specifically article 14-19-3 (Conditions for the Establishment and Operation of Commercial Solar Energy Facilities), section B (Location/Setback), numbers two (2) and four (4). The amendments would reduce the required minimum perimeter setbacks for solar facilities from 300 feet to 100 feet, require perimeter fencing to be installed inside the vegetative buffer, and subject fencing placement to (other) potential conditions as specified in the special use permit.
- B. **Case No. SU-12-21-15:** Alison Shafer and Brent Wagner are seeking a special use permit to operate two (2) short-term lodging rental units/cabins on a property which they own. The subject property is roughly ten (10) acres and zoned A1 (Agriculture); and in the A1 zoning district short-term lodging facilities require a special use permit. The proposed one (1) bedroom lodging units would contain roughly four hundred (400) square feet in total floor area. The subject property has an existing single-family dwelling with a postal address of 629 Rider Hollow Drive, Etlan, Virginia; the property is further identified on Madison County's Tax Maps as 15-2B.

**Discussion**

**Public Comment**

**Closed Session**

**Adjourn**



Agenda  
Joint Meeting  
Madison County Planning Commission &  
Madison County Board of Supervisors  
Wednesday, December 1<sup>st</sup>, 2021  
Madison County Administrative Auditorium  
414 N. Main Street, Madison, Virginia 22727



## **Planning Commission**

Call to Order

### ***Pledge of Allegiance & Moment of Silence***

- 1) Determine Presence of a Quorum
- 2) Approval of Agenda (Additions or Changes)
- 3) Review of Minutes from October 6<sup>th</sup>, 2021 Meeting
- 4) Public Hearings:

A) **Case No. OA-12-21-14:** Amending the Zoning Ordinance, specifically article 14-19-3 (Conditions for the Establishment and Operation of Commercial Solar Energy Facilities), section B (Location/Setback), numbers two (2) and four (4). The amendments would reduce the required minimum perimeter setbacks for solar facilities from 300 feet to 100 feet, require perimeter fencing to be installed inside the vegetative buffer, and subject fencing placement to (other) potential conditions as specified in the special use permit.

B) **Case No. SU-12-21-15:** Alison Shafer and Brent Wagner are seeking a special use permit to operate two (2) short-term lodging rental units/cabins on a property which they own. The subject property is roughly ten (10) acres and zoned A1 (Agriculture); and in the A1 zoning district short-term lodging facilities require a special use permit. The proposed one (1) bedroom lodging units would contain roughly four hundred (400) square feet in total floor area. The subject property has an existing single-family dwelling with a postal address of 629 Rider Hollow Drive, Etlan, Virginia; the property is further identified on Madison County's Tax Maps as 15-2B.

- 5) New Business (Anticipated January 2022 Joint Public Hearing Items):

- A) Madison County Holdings, LLC (Mr. Powell O'Bannon) requests to rezone a roughly 2.5 acre and 6.0 acre portion of a R1 zoned parcel to B1 (business) and R3 (multiple family residential) respectively. If rezoned the applicant would develop a commercial site on the B1 zoned area, and multiple apartment buildings/structures containing no more than thirty-five (35) one-bedroom individual apartment units on the R3 zoned area. The subject property is identified on Madison County's Tax Maps as 40-20 and is located on Fishback Road. To-date the parcel does not contain a postal address point.
- B) Abdul Nawabe requests to rezone a roughly five (5) acre parcel from A1 (agriculture) to B1 (business). If rezoned the applicant intends to establish an automotive sales and servicing business on the parcel. The parcel is identified on Madison County's Tax Maps as 33-7c and is located on North Seminole Trail. To-date the parcels does not contain a postal address point.
- C) A subdivision request presented by John Robert and Allsion Yeaman to subdivide an existing 155.9 acre A1 (agriculture) zoned parcel. The subdivision would create three (3) "new" parcels, and a residual parcel. The parcels would be 38 acres, 10 acres, 71 acres and 32.8 acres. The subject parcel has not been subdivided in the last ten (10) years. The parcel is identified on Madison County's Tax Maps as 63-10 and is located on Jacks Shop Road. To-date the parcel does not contain a postal address point.

6) Old Business:

A) Review: Large Scale Outdoor Events Ordinance

7) Items from Public or Planning Commission

8) Adjournment

## **Madison County Planning Commission**

### **Joint Meeting**

**October 6, 2021**

The Madison County Planning Commission Joint meeting was called to order by Chair, Mike Mosko, in the County Administration Building auditorium at 7:00 p.m. A quorum was established with the following members present: Peter Work, Nathan Cowan, Danny Crigler, Mike Mosko, Nan Coppedge, Steve Carpenter, Fay Utz, and Pete Elliott; Francoise Seillier-Moiseiwitsch participated virtually. Also present were Ligon Webb, County Planner; Clay Jackson, BOS liaison; Jonathon Weakley, County Administrator; and Sean Gregg, County Attorney, virtually.

All rose for the Pledge of Allegiance, followed by a moment of silence. Motion was made by Peter Work to approve the agenda, adding a report from Crescere; seconded by Danny Crigler, and carried, with all members voting aye.

**Case No. S-10-21-13:** Request by Marvin Jenkins and Andrew Gayheart for a subdivision of 3 tracts of land, to create 9 new parcels, with 3 residue parcels, near Leon. The parcels are identified as TM 33-53 (49 acres, bordering on James City Road and Hoover Road), TM 33-55 (12 acres, bordering on Hoover Road), and TM 33-54 (8 acres, bordering on James City Road). Portions of TM 33-53 and TM 33-55 are in Culpeper County. A recent survey added approximately 7 acres to the total, and with boundary adjustments, allows for 12 lots, ranging from 3.0 to 17.7 acres. A new 50' ROW on James City Road will serve lots 7, 8, 9, and 10. Ligon Webb reported the storm water plans are going to require a common plan of development, and will have to be approved by DEQ. The request has VDOT and Health Dept. approval. There can be no further divisions of these parcels. The surveyor, Dan Clark, will make corrections to the plat in the notes section. Motion was made by Pete Elliott to recommend approval to the BOS of this case, with DEQ approval for Lots 7, 8, 9, and 10. Motion was seconded by Danny Crigler, and carried, with all members voting aye.

Motion was made by Nathan Cowan to approve the **minutes of the September 1, 2021** meeting as submitted, seconded by Fay Utz, and carried, with all members voting aye.

Barbara Miller presented a **report on the first large event at Crescere Resort**, a community fundraising benefit, held on September 25, which she would like added to the County record. There were approximately 300 people in attendance. Sound level of the two bands were monitored due to concerns from neighbors, and only twice did it exceed normal levels. Approximately \$15,000 was raised, and will be divided among three Madison County emergency response providers. Brian Thompson, Sound Expert, also spoke to refute misinformation from neighbors and letters to the Editor about the volume of the music. He stated 70 decibels is the standard, and recorded sound levels between 54 and 63 decibels from locations on the property. He noted the level in our current meeting was higher than that.

The Planning Commission suspended the meeting to allow the BOS to act on Case No. S-10-21-13, and then reconvened.

Peter Work presented the Business Committee's report on **Brief and Seasonal Activities**, and **Chapter 4 Requirements Ordinance for Large-Scale Outdoor Events** dated October 4, 2021. Some of the questions raised are: requiring a 3-acre minimum, 300 people in attendance (600 total per year) is too low, would agricultural products have to be produced on the property in order to be exempt, changing the 15 days of events to 8 days per year, and who would be counting. Other questions for large scale events include when and how established businesses would need to notify County personnel of events. Mr. Work and Mr. Jackson stated the County Fair and YFA Tractor Pull would be exempt as educational events. These matters will go back to **committee**, and brought forward at the November Joint meeting, striving for a December public hearing. The Planning Commission also suggested that County developed forms be assigned a numbering system, in addition to a name.

A proposed **amendment to change Commercial Solar Energy Facilities policy** requiring a minimum of 100' buffer, and installing the fence inside the vegetative buffer were discussed. Alan Nicholls spoke against solar facilities that encroach on residential areas, and that Louisa County spokespeople say they will never approve another solar facility because of problems they have had. Nathan Cowan stated the Planning Commission has to look at issues that protect the County and landowners' property rights.

October 6, 2021

Mr. Mosko reminded members to set up their **new County email addresses**, review the By-Laws for needed updates, and that virtual participation is not automatic for workshop meetings.

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Nan Coppedge, Secretary

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Approved

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Certified

## PUBLIC NOTICE

Notice is hereby given that Madison County's Planning Commission and Board of Supervisors will hold a joint public hearing at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia on **Wednesday, December 1<sup>st</sup>, 2021, at 7:00 p.m.** to act on the following cases:

**Case No. OA-12-21-14:** Amending the Zoning Ordinance, specifically article 14-19-3 (Conditions for the Establishment and Operation of Commercial Solar Energy Facilities), section B (Location/Setback), numbers two (2) and four (4). The amendments would reduce the required minimum perimeter setbacks for solar facilities from 300 feet to 100 feet, require perimeter fencing to be installed inside the vegetative buffer, and subject fencing placement to (other) potential conditions as specified in the special use permit.

**Case No. SU-12-21-15:** Alison Shafer and Brent Wagner are seeking a special use permit to operate two (2) short-term lodging rental units/cabins on a property which they own. The subject property is roughly ten (10) acres and zoned A1 (Agriculture); and in the A1 zoning district short-term lodging facilities require a special use permit. The proposed one (1) bedroom lodging units would contain roughly four hundred (400) square feet in total floor area. The subject property has an existing single-family dwelling with a postal address of 629 Rider Hollow Drive, Etlan, Virginia; the property is further identified on Madison County's Tax Maps as 15-2B.

The public is invited to attend the hearing and comment. Due to health concerns, written comments may be submitted prior to the meeting; written comments received prior to 1 p.m. November 24<sup>th</sup>, 2021, will be placed into the official staff packet and distributed to the Planning Commission and Board of Supervisors prior to the meeting. The meeting will also be streamed live on the County's Official YouTube channel. Copies of the County's ordinances and documents related to these hearings are available for review. The documents can be viewed in person at Madison County's Building & Zoning Office, 410 North Main Street, Madison, VA 22727; documents can be inspected Monday through Friday from 8:30 a.m. to 4:30 p.m. Comments or questions can be sent via email to [lwebb@madisonco.virginia.gov](mailto:lwebb@madisonco.virginia.gov) or by calling 540-948-7513.

Ligon Webb, County Planner

**ORDINANCE TO AMEND THE MADISON COUNTY’S ZONING  
ORDINANCE # 2021-OA 12-21-14**

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County Virginia would promote the health, safety and general welfare of Madison County Virginia and be in accordance with the declaration of legislative intent set forth in Virginia Code 15.2.2200 (1950, as amended) and the Madison County Comprehensive Plan adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

**Article 14-19-3 Conditions for the Establishment and Operation of Commercial Solar Energy Facilities**

**B. Locations/Setbacks**

**2. All Aspects and components of the facility shall meet the minimum setback requirement of 100 feet. This setback requirement is in addition to the buffer requirements for rivers and streams established in No. 1 above. The County shall require additional buffering in the Special Use Permit to maintain the County’s rural view shed and character and minimize visibility and aesthetic impacts to adjacent property owners, uses and/or roadways.**

**4. The perimeter of the facility shall be secured through the use of security fencing of at least eight feet in height, to be installed around the perimeter of the facility. The County shall require the fencing to be installed inside the vegetative buffer to reduce the visual impact to surrounding property owners, uses, and/or roadways. Placement of Fencing shall be specified in the Special Use Permit. Fencing should be designed to blend in with surrounding screening and natural views.**

The aforesaid amendment shall be effective upon enactment.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Madison County Board of Supervisors

BY: \_\_\_\_\_

R. Clay Jackson, Chair



	Aye	Nay	Abstain
R. Clay Jackson	_____	_____	_____
Charlotte Hoffman	_____	_____	_____
Amber Foster	_____	_____	_____
Kevin McGhee	_____	_____	_____
Carlton Yowell	_____	_____	_____

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Jonathan Weakley, Madison County Administrator

**MADISON COUNTY  
ZONING REQUEST**

**Agenda Item 4 B)**

☐ Zoning Permit   ☐ Subdivision   ☐ Family Subdivision   ☐ Site Plan  
☐ Boundary Line Adjustment   ☐ Variance   ☒ Special Use Permit   ☐ Rezoning

Owner Name: Alison Shafer & Brent Wagner

Address: 629 Rider Hollow Lane

City: Etlan

State: VA

Zip Code: 22719

Phone Number: 703-615-7142

Email: acshafer13@gmail.com

Applicant: ☒ Owner   ☐ Agent   ☐ Surveyor

Applicant Name: Alison Shafer & Brent Wagner

Address: same as above

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**Property Information**

Location/Address of request: 629 Rider Hollow Lane, Etlan, VA

Tax Map: 15-2B

Zoning: A1

Lot Size: 10.01 acres

Setbacks: Front: 50' +

Sides: 25' +

Rear: 50' +

Shrink-Swell Soils: ☐ Yes   ☐ No

☒ Moderate

☐ Severe

☐ 24" Footing

☐ N/A

Floodplain on Parcel: ☐ Yes   ☐ No

Structure located in floodplain? ☐ Yes

☒ No

Right-of-Way Created? ☐ Yes

☒ No

VDOT entrance permit obtained? ☐ Yes

☐ No

☐ N/A

Number of lots served by right-of-way: 2 lots

For ROW and entrance info contact Adam Moore @ VDOT Charlottesville Residency (434) 293-0011

**Zoning Request Information**

The owner/applicant of the described property hereby submits request as required by Article(s) 4-2-1 (Lodge, inn or hotel) of the Madison County zoning Ordinance.

Purpose of Request: The applicants are seeking to operate two (2) short-term rentals on their property. The subject property is zoned A1, and in this zoning district a SUP is required for two (2) or more short term rental. The parcel is 10 (ten) acres, and three (3) dwellings are allowed. The applicants would live full-time in the parcel's existing dwelling.

Existing Acreage: 10.01 acres

Acreage Covered by Request: 10.01 acres

Proposed # of Lots: N/A

A Soil & Erosion plan is required for disturbing more than 10,000 sq. ft. Verify with E&S Program Administrator.

Is this request an amendment to an existing permit? If yes, provide type and number: \_\_\_\_\_

Surveyor/Engineer Name: N/A

Phone Number: \_\_\_\_\_

I hereby certify that I have the authority to make the foregoing application and that the information given is correct. This request will conform to all applicable state and county regulations, Madison County Zoning and Subdivision ordinances.

Alison Shafer  
Signature of Owner or Agent

NOV 9, 2021  
Date

**Office Use Only:**   ☐ Approved   ☐ Denied

\_\_\_\_\_  
Ligon Webb County Planner

\_\_\_\_\_  
Date

\_\_\_\_\_  
April Clements Zoning Technician

\_\_\_\_\_  
Date

Have all necessary statements, plats, plans or other pertinent information been submitted: ☐ Yes   ☐ No

Planning Commission: ☐ Approved   ☐ Denied   Date: \_\_\_\_\_

Board of Supervisors: ☐ Approved   ☐ Denied   Date: \_\_\_\_\_

Conditions, if any: \_\_\_\_\_

Payment Amount \$ 500.00

Date: 11/9/2021

Payment Type: Ck# 1151



November 12, 2021

Dear Neighbor,

You are hereby informed that Alison Shafer and Brent Wagner have submitted a special use permit application to operate two (2) short-term lodging rental units/cabins on an A1 (agriculture) zoned parcel. In this zoning district short-term lodging requires a special use permit. The submitted application has been reviewed by County staff and a public hearing has been scheduled for an upcoming joint meeting of the Planning Commission and Board of Supervisors. **This joint hearing will take place on Wednesday, December 1<sup>st</sup>, 2021, at the Madison County Administrative Auditorium located at 414 N. Main Street, Madison, Virginia.** Notice of this hearing will be advertised in the Madison Eagle on November 18<sup>th</sup> and November 25<sup>th</sup>; the text of this advertisement states the following:

**Case No. SU-12-21-15:** Alison Shafer and Brent Wagner are seeking a special use permit to operate two (2) short-term lodging rental units/cabins on a property which they own. The subject property is roughly ten (10) acres and zoned A1 (Agriculture); and in the A1 zoning district short-term lodging facilities require a special use permit. The proposed one (1) bedroom lodging units would contain roughly four hundred (400) square feet in total floor area. The subject property has an existing single-family dwelling with a postal address of 629 Rider Hollow Drive, Etlan, Virginia; the property is further identified on Madison County's Tax Maps as 15-2B.

In addition, the Planning Commission will be holding a work session on **Wednesday, November 17<sup>th</sup>, 2021**, where this application will be discussed. Though this meeting is not a public hearing, you are invited to attend. **This meeting will also be held at the Madison County Administrative Auditorium.**

If you have any question, concerns, or comments you are encouraged to attend the joint hearing or work session. Also, please feel free to contact me at the number (or email) below for assistance.

Sincerely,

Mr. Ligon Webb

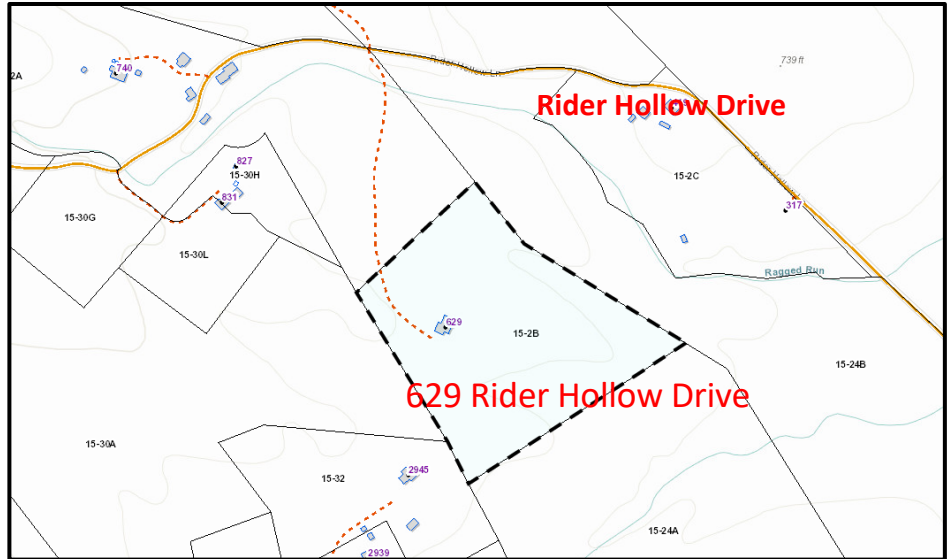
County Planner

(540) 948-7513

[lwebb@madisonco.virginia.gov](mailto:lwebb@madisonco.virginia.gov)

# Special Use Permit Request by Alison Shafer & Brent Wagner for Short-Term Lodging Units in an A1 (Agricultural) Zoning District

**Background** – The applicants, Alison Shafer and Brent Wagner, have applied for a special use permit to operate two (2) short term lodging units/cabins on a property which they own. The subject parcel is roughly 10 acres and is zoned A1 (agriculture); and in the A1 zoning district short-term lodging (i.e., lodge, inn, or hotel) is allowable by special use permit. Short-term lodging guests generally stay for 2-3 days/nights per visit. If approved, the applicants would be required to pay monthly transient occupancy taxes to the County's Commissioner of Revenue.



The applicants have stated the proposed rental units would be “cabin” style and likely not exceed 400 feet in total square footage (floor area) per unit.

In accordance with Madison County's zoning ordinance, the applicants could (by-right) place two additional dwellings on the subject parcel without subdividing. As stated in article 4-3, “the minimum lot area for permitted uses shall be three (3) acres. All dwelling(s) located on a single parcel shall require a minimum of three (3) acres per dwelling.” Because the subject lot is ten (10) acres, the parcel could contain (up to) three (3) dwellings; if constructed the two (2) proposed cabins, and the site's existing dwelling, would mean no further dwellings could be constructed on the parcel.

The applicants are aware prior to constructing the proposed cabins construction plans must be submitted to the County Building Official for review (and approval), and a septic construction permit and well log must be issued by VDH. Though a drain field site has not been established to-date, it is possible that the two (2) cabins could share a single septic system and a well.



**Access and VDOT** – The subject property is located on a private right-of-way which “connects” to Rider Hollow Drive (Rt. 645). The right-of-way is shared with one (1) other property (TM 15-2b). The applicants have indicated they have a “deeded” right-of-way to access their property. Overall, the right-of-way appears to be well maintained.

VDOT’s comments simply stated that any work performed in a VDOT right-of-way must first receive a VDOT Land Use permit; otherwise VDOT has no objections or comments.

**Visuals –**







**Recommended Conditions of SUP**- If the Planning Commission and Board of Supervisors are inclined to recommend approval, and approve, the SUP as presented, the County Planner recommends the following condition on the SUP:

- 1) The two (2) lodging cabins/units are not to exceed 400 feet in total square footage.

**Recommendation - Approval with Conditions**

**November 23, 2021**

A goal of the County's Comprehensive Plan states "promote tourism and tourist/visitor-related enterprises, attractions and events, and aggressively market Madison County as an attractive place to visit." The proposed lodging units will be small scale (400 sq ft) and be in proximity to the parcel's main house, thus making the cabins easy to maintain and manage. Though graveled, the roads and right-of-way leading to this parcel appear to be well maintained.

If approved, the proposed use is not expected to negatively impact the surrounding area.

**Ligon Webb**

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**From:** Ligon Webb  
**Sent:** Wednesday, November 10, 2021 11:58 AM  
**To:** Bedsaul, Willis  
**Subject:** re:: SUP Review Comments - 629 Rider Hollow Drive, Etlan, VA (TM 15-2B)

Hello Willis -

Below, is the text of a public advertisement for an upcoming special use permit hearing. The joint PC/BoS hearing is scheduled for Wednesday, December 1<sup>st</sup>, 2021.

***Case No. SU-12-21-15:*** *Alison Shafer and Brent Wagner are seeking a special use permit to operate two (2) short-term lodging rental units/cabins on a property which they own. The subject property is roughly ten (10) acres and zoned A1 (Agriculture); and in the A1 zoning district short-term lodging facilities require a special use permit. The proposed one (1) bedroom lodging units would contain roughly four hundred (400) square feet in total floor area. The subject property has an existing single-family dwelling with a postal address of 629 Rider Hollow Drive, Etlan, Virginia; the property is further identified on Madison County's Tax Maps as 15-2B.*

I have attached a screenshot of the parcel. The parcel is accessed via a private drive/right-of-way which is shared with another parcel (15-2a), although the adjoining parcel's dwelling (740 Rider Hollow Drive) is located on the north side of Rider Hollow Drive, it appears that this portion of the right-of-way is used almost exclusively by the applicants, and (if approved) the proposed short-term rental cabins.

Any comments that you may have regarding this SUP would be appreciated, thanks – Ligon



## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.  
Commissioner

1401 East Broad Street  
Richmond, Virginia 23219

(804) 786-2701  
Fax: (804) 786-2940

November 12, 2021

Madison County Zoning  
Attn: Ligon Webb  
P.O. Box 1206  
Madison, Virginia 22727-1206

Re: (T.M. #15-2B) – Case No. SU-12-21-15-Special Use Permit  
Rte. (629 Rider Hollow Drive) Madison County, VA

Dear Mr. Webb:

The Department of Transportation, Charlottesville Residency Transportation and Land Use Section has reviewed the special use permit for the above-referenced parcel dated November 10, 2021, and has no objections and comments at this time.

If you have further questions, please contact Willis Bedsaul at (434) 422-9866.

A VDOT Land Use Permit will be required prior to any work within the right-of-way. The owner/developer must contact the Charlottesville Residency Transportation and Land Use Section at (434) 422-9399 for information pertaining to this process. If you have further questions, please contact Willis Bedsaul at (434) 422-9866.

Sincerely,

Adam J. Moore, P.E.  
Area Land Use Engineer  
VDOT - Charlottesville Residency



**ORDINANCE TO AMEND THE MADISON COUNTY**

**ZONING ORDINANCE**

**ORDINANCE # 2021-12**

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County Virginia would promote the health, safety and general welfare of Madison County Virginia and be in accordance with the declaration of legislative intent set forth in the Virginia Code 15.2.2200 (1950, as amended) and the Madison County Comprehensive Plan Adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

14-8                    EVENT VENUE (Amended March 2020)

14-18.2                    Structures and Activities to be allowed:

**Last Para -- Currently reads:**

**Outdoor Music or entertainment events that are open to the public are subject to the requirements of the Madison County Music and Entertainment Ordinance (5/9/1978, amended 10/12/82). The Music and Entertainment ordinance does not apply to private events such as weddings or conferences or any event without music.**

**Amend to read:**

**Large-Scale Outdoor Events that are open to the public are subject to the requirements of Chapter 4 – LARGE-SCALE OUTDOOR EVENTS.**

The aforesaid amendment shall be effective upon enactment.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2021

BY: \_\_\_\_\_  
R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Carty Yowell	_____	_____	_____	_____

\_\_\_\_\_  
Jonathon Weakley  
Madison County Administrator

**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE  
ORDINANCE # 2021-13**

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County Virginia would promote the health, safety and general welfare of Madison County Virginia and be in accordance with the declaration of legislative intent set forth in Virginia Code 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

**Chapter 4 – LARGE-SCALE OUTDOOR EVENTS**

**ARTICLE 1. – In General**

**Sec. 1 – Purpose**

This Article is enacted pursuant to Code of Virginia Sec. 15.2-1200 scale, outdoor events in the interest of the public health, safety, and welfare of County residents.

**Sec. 2 – Definitions**

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this section:

“Events” means public or private, fee-based or non-fee-based, gatherings of individuals, including without limitation, entertainment events, sporting events, arts and crafts shows, seasonal festivals, weddings and reunions.

“Large-scale” means events anticipated to attract 300 or more daily attendees.

“Outdoor” means events conducted, in whole or in part, in open spaces and not within fully enclosed structures.

**Sec. 3 – Exclusions**

The provisions of this Article shall not apply to Large-Scale, Outdoor Events sponsored or conducted by County governmental and educational entities, private schools, full-time business entities, entities conducting such events pursuant to special use permits, and entities conducting the County Fair and County Tractor Pull (“Excluded Entities”); provided, however, that Excluded Entities shall provide written notice to the County Zoning Administrator of their intent to conduct a Large-Scale, Outdoor Event no fewer than five days before the start of the Event.

#### **Sec. 4- Construction**

The provisions of this Article shall be construed so as to effectively carry out the purposes of the Article in the interest of County residents.

#### **Sec. 5 – Relationship to Other Articles**

Large-Scale, Outdoor Events may be conducted only in accordance with the County’s Event Venue Ordinance, Art. 4-18, the County’s Brief Event Activities Ordinance, Art. 4-14 (last sentence), or the terms of special use permits.

#### **Sec. 6 – Required Applications and Permits**

- a. No person or entity may conduct a Large-Scale, Outdoor Event without first applying for and obtaining a permit for the Event from the County Zoning Administrator or, in the event of an appeal pursuant to Sec. 9, from the County Administrator.
- b. Applications for such permits shall:
  - (1) be submitted electronically or physically to the Zoning Administrator no fewer than forty-five days before the desired start of an Event on the then-current County form entitled “Large-Scale, Outdoor Event Permit Application Form,
  - (2) contain all of the information required by the form, and
  - (3) include written permission for County officials, including zoning, law enforcement, emergency services, and health officials, the Virginia State Police, and federal law enforcement agencies, to enter on the Event premises at any time for the purpose of determining compliance with County ordinances and state and federal law, and the terms of the relevant Event permit.

#### **Sec. 7 – Application Fees**

The County Board of Supervisors shall from time-to-time establish application fees for Large-Scale, Outdoor Event permits consistent with

the County's existing fee schedules. Such fees shall be paid upon submission of permit applications.

#### **Sec. 8 - Zoning Administrator Action Upon Receipt of a Permit Application**

- a. Upon receipt of an application for a Large-Scale, Outdoor Event permit, the Zoning Administrator shall transmit it electronically to the County Sheriff's Department, the County EMS, and the County Volunteer Fire Department requesting any comments they may have.
- b. Thereafter, the Zoning Administrator shall act upon the application as promptly as is reasonably feasible. At a minimum, the Zoning Administrator (or his/her designee) shall approve or disapprove a compliant, timely-submitted application for a Large-Scale, Outdoor Event permit within twenty-five days of the proposed start of the event; provided, however, that the Zoning Administrator shall refer permit applications for Events likely to attract more than 750 daily attendees to the Board of Supervisors for its approval or disapproval which shall constitute a final administrative action.
- c. In acting upon applications for Large-Scale, Outdoor Event permits, the Zoning Administrator (or the Board of Supervisors) shall be governed by considerations of the health, safety, and general welfare of County residents construed in light of Virginia statutes and County ordinances pertaining to public health, safety, and general welfare.
- d. The Zoning Administrator may, with the written approval of the Board of Supervisors Chair, require a permit applicant to post a bond in an amount decreed by the Board of Supervisors Chair to ensure compliance with any conditions imposed on a permit and payment of any and all damages to public and/or private property that may result from the conduct of a Large-Scale, Outdoor Event.

#### **Sec. 9 – Appeals from Denials of Application Permits**

- a. In the event the Zoning Administrator denies an application for a Large-Scale, Outdoor Event Permit, the applicant may, within five calendar days of the denial, file a written appeal of the denial with the County Administrator stating the grounds therefor.
- b. The County Administrator shall sustain or deny the appeal, applying the same public health, safety, and general welfare standard, within five calendar days of its receipt, and his/her decision shall constitute a final administrative action.

- c. Denials of applications by the Board of Supervisors shall not be administratively appealable.

**Sec. 10 – Permit Revocation**

The Zoning Administrator shall be empowered to revoke any permit granted under this Article upon his/her determination that the terms of the permit have been or are being violated.

**Sec. 11 – Violations**

Any person determined by the County Sheriff, in consultation with the Zoning Administrator and other involved County officials, to be in material violation of the provisions of this Article shall be fined up to \$1,000 for each daily violation. Fines shall be enforceable in the Madison County General District Court.

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**[Information to be required by the forms referenced in 66 (1).**

Name of Event;

Type of event and name(s) of Event performers, if any;

Date(s), time(s), and daily duration of the Event;

Anticipated daily attendees and total attendees at the Event;

Name and address of sponsoring individual(s) or entity(ies);

Name and address of promoter(s) (if different from sponsoring individual(s) or entity(ies);

Name and address of person(s) or organization(s) assuming financial responsibility for the Event (if different from sponsor);

Identification (address and Tax Map designation) of the property on which Event is proposed to be held;

Identification of amount of liability insurance that will be obtained for the event;

Description of plans for access and egress, traffic control, parking, noise abatement, sanitation, trash removal, medical facilities, emergency services, security, and food, water, and lodging for the Event;

A reasonably detailed site plan for the Event.

Permission for County, State, and Federal officials to enter upon the Event site, as required by Sec. 6(b)(3).

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The aforesaid amendment shall be effective upon enactment.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BY: \_\_\_\_\_

R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Carty Yowell	_____	_____	_____	_____

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Jonathon Weakley  
Madison County Administrator

**ORDINANCE TO AMEND THE MADISON COUNTY**

**ZONING ORDINANCE**

**ORDINANCE # 2021-14**

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County Virginia would promote the health, safety and general welfare of Madison County Virginia and be in accordance with the declaration of legislative intent set forth in the Virginia Code 15.2.2200 (1950, as amended) and the Madison County Comprehensive Plan adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

ARTICLE 14 General Provisions

Amend Para: 14-4, Standards for issuance of special use permits,

Delete last sentence of paragraph 14-4 and add:

**A special use permit shall not be required for brief public and private event activities that are:**

- (1) Consistent with “by right” or “special use” activities permitted in the subject Zoning District;**
- (2) Conducted on no more than fifteen (15) days in any calendar year.**
- (3) Comply with requirements of Article 14-4-2 and Chapter 4 – LARGE-SCALE OUTDOOR EVENTS, where applicable.**

**Nothing herein shall affect the rights of Madison County residents under Virginia Code 15.2.2288.6 pertaining to agritourism activities and the sale of agricultural products.**

The aforesaid amendment shall be effective upon enactment.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.



BY: \_\_\_\_\_

R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Carty Yowell	_____	_____	_____	_____

\_\_\_\_\_  
Jonathon Weakley  
Madison County Administrator